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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 6107 OF 2005

PETITIONER Naga Sadhu Bhagwat Das, Aged about 34 years, S/o Guru Vishwanath Das, R/o Hanuman Gadhi Ayodhya, Dist. Faizabad, (UP)

Vs.

RESPONDENTS

1. The State of Chhattisgarh, Through Secretary, Religious Public Trust, D.K.S. Bhawan, Raipur Tahsil and Distt. Raipur (C.G.)
2. Collector / Registrar, Public Trust Raipur, Tah & Distt. Raipur (C.G.)
3. The Branch Manager, Central Bank, Vivekanand Ashram, Raipur, Tahsil and Distt. Raipur (C.G.)
4. M.M. Gupta (Chartered Accountant) Shahid Smarka Bhawan, Razbandha Maidan, Raipur, Tah. & Distt. Raipur (C.G.)
5. Chatur Singh, Aged about 78 years S/o Late Shri Arjun Singh Thakur, R/o In front of Thakur Laxminarayan Swami Mandir, Amapara (Ramkund) Raipur Tah. And Distt. Raipur (C.G.)
6. Genesh Ram, Ex-corporator, Amapara (Ramkund) Raipur Tah. & Distt. Raipur (C.G.)
7. K.K. Dubey (Advocate), Aged about 70 year, R/o Sattibazar, Raipur, Tahsil & Distt. Raipur (C.G.)
8. Chudhari Singh Thakur, Aged about 45 year, S/o Chatur Singh Thakur, R/o. In front of Thakur Laxminarayan Swami Mandir, Raipur Amapara (Ramkund) Raipur, Tah & Distt. Raipur (C.G.)
9. Bedram Sahu, Aged about 70 year, R/o Janjgir (BMY) Post Janjgir (BMY) Tah. & Distt. Raipur (C.G.)
10. Vishal Chandrakar, Aged about 65 years, R/o Deobaldar Post Bhilai – 3, Tahsil & Distt. Durg

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Present : Mr. S.C. Verma , learned counsel for the petitioner.

Mr. Yashwant Singh, learned Govt. Advocate for the State.

ORAL ORDER
(Passed on 2nd January, 2006)

The petitioner claiming to be a member of Ramanandi Sampradya and complaining that the 5th respondent without authority of law and in violation of procedure of appointment laid-down in the decrees passed in First Appeal No. 132/1979 and First Appeal No. 182/1979 on the file of the M.P. High Court has been functioning is Sarvarakar has filed this writ petition praying for the following reliefs:-

a. That, this Hon'ble Court may kindly be stopped the functioning of respondent No. 5 as he has no authority to become president of the trust committee.

b. That, this Hon'ble Court may kindly be pleased to stopped disbursement of the property/amount of the Laxminarayan Temple (Public Trust) till final decision of this petition.

c. That, this Hon'ble Court may kindly be appoint a receiver/manager for lawful functioning of the Laxminarayan Temple (Public Trust) till final decision of this petition.

d. That, this Hon'ble Court may kindly be appoint a person as Sarvarakar, from Ramanandi Sampradaya. If possible within 1 month from the date of order or this Hon'ble Court. Because this provision had already been made by the division Branch in First appeal 182/1979.

(2) The dispute brought before this Court is civil in nature. In order to grant the relief to the petitioner as prayed for, it becomes imperative for the Court to pronounce upon the entitlement of the fifth respondent to function as Sarvarakar of the trust in question. Alternatively, it could be pointed out that if the functioning of the fifth

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respondent as Sarvarakar is contrary to the terms of the decrees passed in First Appeal No. 132/1979 and / or First Appeal No. 182/1979 on the file of the M.P. High Court, it is open for the decree holder to enforce the terms of the decrees by executing the same in jurisdictional Court. This Court functioning under Article 226 of the Constitution cannot be converted into a Civil Court to decide entitlement of the fifth respondent to office of Sarvarakar. On that short ground, I am not inclined to entertain this writ petition. It is accordingly dismissed at the admission stage itself, however, reserving liberty to the petitioner to workout his legal remedies before any statutory fora or jurisdictional Civil Court. All contentions raised in this writ petition are left open to be agitated/pressed into service before such statutory fora or Civil Court. There shall be no order as to costs.

Sd/-
Chief Justice

Kamde